

5400
10/29

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ON)

TO:
City Attorney

2. FROM (ORIGINATING DEPARTMENT):
Office of the Mayor

3. DATE:
October 25, 2007

SUBJECT:
Declaration of State of Local Emergency and Shelter Crisis – Wildfires

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Ed Plank, 236-6433

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Edward Plank</i>	10/25/07	8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Anthony St. George</i>	10/25/07
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT		
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 10/29/07			

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Please docket the following item for the City Council's consideration on October 29, 2007 consistent with the provisions of California Government Code section 8630 and Municipal Code section 51.01.06(a)(1):

1. Ratifying the Mayor's October 22, 2007 declaration of a State of Local Emergency regarding the wildfires threatening portions of the City of San Diego, pursuant to California Government Code section 8630.
2. Ratifying and approving, all orders and regulations promulgated by the Mayor, and issued, and carried out by City officers and City officials from Sunday, October 21, 2007, until the passage of this resolution which were necessary to provide for the protection of life and property as affected by the emergency.
3. Declaring a shelter crisis exists and has existed since October 21, 2007, in the areas of the City threatened by wildfires, which has resulted in a threat to the health and safety of persons evacuated from their homes, pursuant to California Government Code section 8698.2.

11A. STAFF RECOMMENDATIONS:

Adopt the resolutions

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S):

COMMUNITY AREA(S):

ENVIRONMENTAL IMPACT:

HOUSING IMPACT:

OTHER ISSUES:

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO RATIFYING THE MAYOR'S OCTOBER 22, 2007,
PROCLAMATION OF A LOCAL EMERGENCY REGARDING
THE WILDFIRES.

WHEREAS, on October 22, 2007, pursuant to San Diego Municipal Code section 51.0106(a)(1), the Mayor proclaimed the existence of a local emergency as a result of the wildfires which began on October 21, 2007; and

WHEREAS, San Diego Municipal Code section 51.0106(a)(1) requires that the City Council ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, conditions of disaster or extreme peril to the safety of persons and property continue to directly affect the safety of persons and property within the City;

WHEREAS, California Government Code section 8630 authorizes local governing bodies to proclaim local emergencies when such events occur as are defined by California Government Code section 8558(c), provided further by section 8630 that the local governing body must review the state of emergency at its regularly scheduled meetings or every twenty-one days until such emergency is declared to be terminated; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to California Government Code section 8630, a state of local emergency is declared to exist in the City of San Diego, and has existed since October 21, 2007, in the areas of the City of San Diego threatened by wildfires, and that the proclamation of the state of emergency by the Mayor on October 22, 2007 is hereby ratified.

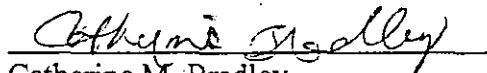
BE IT FURTHER RESOLVED, that the Council hereby ratifies and approves, in accordance with the police powers vested in City Officials under the Constitution of the State of California, the City Charter, and the laws of this State including the aforementioned Government Code provisions, all orders and regulations promulgated, issued and carried out by City officers and City officials from Sunday, October 21, 2007, until the passage of this resolution, which were necessary to provide for the protection of life and property.

BE IT FURTHER RESOLVED, that during the existence of this local emergency, the powers, functions and duties of the Mayor of this City shall be those prescribed by State law and the Charter, ordinances, resolutions and approved plans of the City of San Diego in order to mitigate the effects of this local emergency, including the receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

BE IT FURTHER RESOLVED, that a state of local emergency shall be deemed to continue until its termination is proclaimed by the City Council.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
10/25/07
Or.Dept:Mayor
R-2008-359

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING A SHELTER CRISIS DUE TO
THE WILDFIRES.

WHEREAS, on October 22, 2007, pursuant to San Diego Municipal Code section 51.0106(a)(1), the Mayor proclaimed the existence of a local emergency as a result of the wildfires which began on October 21, 2007; and

WHEREAS, the City Council has declared a state of local emergency due to the wildfires and ratified the above-described proclamation of emergency by the Mayor; and

WHEREAS, hundreds of thousands of individuals were evacuated from their homes in the areas threatened by wildfires in the City and County of San Diego; and

WHEREAS, many thousands of these individuals were City residents without the ability to obtain adequate shelter resulting in a threat to their health and safety; and

WHEREAS, the City of San Diego has designated Qualcomm Stadium, a City public facility, as emergency shelter to meet these needs; and

WHEREAS, California Government Code section 8698.2 provides that the governing body of a local agency may declare a shelter crisis, and take such action as is necessary to carry out the provisions of this law, upon a finding that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that pursuant to Government Code sections 8698 through 8698.2 a shelter crisis exists and has existed since October 21, 2007,

in the areas of the City of San Diego threatened by wildfires, which has resulted in a threat to the health and safety of persons evacuated from their homes.

BE IT FURTHER RESOLVED, that the Council hereby ratifies and approves, in accordance with the police powers vested in City Officials under the Constitution of the State of California, the City Charter, and the laws of this State including the aforementioned Government Code provisions, the designation of public facilities as emergency shelter by City officers and City officials from Sunday, October 21, 2007, until the passage of this resolution which were necessary to provide for the protection of life and property.

BE IT FURTHER RESOLVED, that the declaration of a shelter crisis shall be deemed to continue during the state of local emergency.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
10/25/07
Or.Dept:Mayor
R-2008-371

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

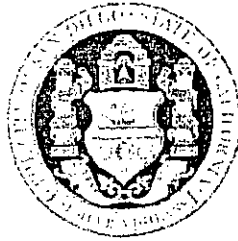
By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor



CITY OF SAN DIEGO
PROCLAMATION OF A LOCAL EMERGENCY
BY THE MAYOR

WHEREAS, pursuant to San Diego Municipal Code Section 51.0106(a)(1), the Mayor is authorized to proclaim the existence of a local emergency when the City Council is not in session; and

WHEREAS, at the time of this proclamation the City Council has adjourned their scheduled session for Monday, October 22, 2007; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of San Diego as a result of wildfires which began at approximately 2pm, October 21, 2007, and continue to directly affect the safety of persons and property within this city; and

WHEREAS, the conditions of extreme peril warrant and necessitate the proclamation of a local emergency; NOW, THEREFORE,


IT IS HEREBY PROCLAIMED that a local emergency currently exists, and has existed since October 21, 2007, in the areas of the City of San Diego threatened by wildfires, and shall be deemed to continue to exist for seven days unless ratified by the City Council, and then until its termination is proclaimed by the City Council of the City of San Diego.

IT IS FURTHER PROCLAIMED AND REQUESTED that a copy of this proclamation be forwarded to the Governor of California in support of his proclamation that a State of Emergency exists within the City of San Diego; and to support the Governor in a request for a Presidential Declaration.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of this local emergency, the powers, functions and duties of the Mayor of this City shall be those prescribed by State law and the Charter, ordinances, resolutions and approved plans of the City of San Diego in order to mitigate the effects of this local emergency, including the receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

IT IS FURTHER PROCLAIMED AND ORDERED that a state of local emergency shall be deemed to continue to exist for the next seven days unless ratified by the City Council, and then until its termination is proclaimed by the City Council of the City of San Diego.

Dated: October 22, 2007



Jerry Sanders
Mayor

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

TO: Council President
2. FROM (ORIGINATING DEPARTMENT): Office of the Mayor
3. DATE: October 22, 2007

4. SUBJECT:
Ratification of State of Local Emergency Declaration – Wildfires

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Ed Plank, 236-6433
6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
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10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIGINATING DEPARTMENT	<i>Edward C. Plank</i>	10-22-07	8	DEPUTY CHIEF			
2				9	COO			
3				10	CITY ATTORNEY			
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT			
5				✓	DOCKET COORD: _____ COUNCIL LIAISON: _____			
6					COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
7					_____	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: _____	

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Please docket the following item for the City Council's consideration at the earliest docketing opportunity consistent with the provisions of Municipal Code Section 51.01.06(a)(1):

- to Ratify the Mayor's October 22, 2007 declaration of a State of Local Emergency regarding the wildfires threatening portions of the City of San Diego,
- Directing the City Attorney to immediately prepare the appropriate Resolution

11A. STAFF RECOMMENDATIONS:

- Ratify the declaration of a State of Local Emergency.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S):

COMMUNITY AREA(S):

ENVIRONMENTAL IMPACT:

HOUSING IMPACT:

OTHER ISSUES: